

1-1 By: Paxton, et al. S.B. No. 26  
 1-2 (In the Senate - Filed March 1, 2021; March 3, 2021, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 March 17, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 7, Nays 2; March 17, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 26 By: Birdwell

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the prohibited suspension of laws protecting religious  
 1-22 freedom and prohibited closure of places of worship.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 110.001(a), Civil Practice and Remedies  
 1-25 Code, is amended by adding Subdivisions (3) and (4) to read as  
 1-26 follows:

1-27 (3) "Place of worship" means a building or grounds  
 1-28 where religious activities are conducted.

1-29 (4) "Public official" means any elected or appointed  
 1-30 officer, employee, or agent of this state or any political  
 1-31 subdivision, board, commission, bureau, or other public body  
 1-32 established by law.

1-33 SECTION 2. Section 110.002, Civil Practice and Remedies  
 1-34 Code, is amended by adding Subsection (d) to read as follows:

1-35 (d) For purposes of a state of disaster declared under  
 1-36 Chapter 418, Government Code:

1-37 (1) this chapter is not considered a regulatory  
 1-38 statute; and

1-39 (2) a provision of this chapter may not be suspended.

1-40 SECTION 3. Chapter 110, Civil Practice and Remedies Code,  
 1-41 is amended by adding Section 110.0031 to read as follows:

1-42 Sec. 110.0031. PROHIBITION ON ORDERS CLOSING PLACES OF  
 1-43 WORSHIP. A government agency or public official may not issue an  
 1-44 order that closes or has the effect of closing places of worship in  
 1-45 this state or in a geographic area of this state.

1-46 SECTION 4. Section 110.004, Civil Practice and Remedies  
 1-47 Code, is amended to read as follows:

1-48 Sec. 110.004. DEFENSE. A person whose free exercise of  
 1-49 religion has been substantially burdened in violation of Section  
 1-50 110.003 or 110.0031 may assert that violation as a defense in a  
 1-51 judicial or administrative proceeding without regard to whether the  
 1-52 proceeding is brought in the name of the state or by any other  
 1-53 person.

1-54 SECTION 5. Chapter 110, Civil Practice and Remedies Code,  
 1-55 as amended by this Act, applies only to a claim or defense that  
 1-56 accrues on or after the effective date of this Act. A claim or  
 1-57 defense that accrued before the effective date of this Act is  
 1-58 governed by the law in effect immediately before the effective date  
 1-59 of this Act, and that law is continued in effect for that purpose.

1-60 SECTION 6. This Act takes effect immediately if it receives

2-1 a vote of two-thirds of all the members elected to each house, as  
2-2 provided by Section 39, Article III, Texas Constitution. If this  
2-3 Act does not receive the vote necessary for immediate effect, this  
2-4 Act takes effect September 1, 2021.

2-5

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